

REMARKS

Applicants have carefully studied the outstanding Official Action. The present amendment is intended to be fully responsive to all points of rejection and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the present application are hereby respectfully requested.

Applicants thank the Examiner for the courtesy of an interview granted on 16 January 2007 to Applicants' representative Sanford T. Colb, registration number 26,856. The substance of the interview is included in the Interview Summary.

A proposed amendment to claim 85 was discussed in the interview. The Zigmond reference was also discussed. The Examiner indicated that the proposed amendment appears to overcome the rejection of record, and upon receipt of an amendment, the application will be fully reviewed.

Applicants have therefore amended claim 85 as discussed in the interview.

Claims 85 – 92, 145, and 162 – 193 were examined. Claims 93 – 104, 146 and 147, which belong to non-elected species of Group I, have been canceled, and Applicants reserve the right to pursue the cancelled claims in the context of divisional applications. Claims 86, 87, 162 and 163 have also been canceled. New claims 194 – 197 have been added. Thus, claims 85, 88 – 92, 145, and 164 – 197 are now pending in the application.

Claims 85 – 88, 91 – 92, 145, 162 – 164, and 167 – 193 stand rejected under 35 USC 102(e) as being anticipated by US Patent 6,698,020 to Zigmond et al (“Zigmond”).

Zigmond describes a system and method for selecting and inserting advertisements into a video programming feed at the household level.

In rejecting claim 85, the Examiner takes the position that since in Zigmond the receiver determines whether or not the advertisements should be stored for later display, there is a delay tag which indicates so, and refers to col. 4, lines 18 – 24 in Zigmond.

In rejecting claim 86, the Examiner takes the position that Zigmond teaches in col. 16, lines 1 – 12 the features of claim 86.

In rejecting claim 87, the Examiner takes the position that Zigmond teaches in col. 8, lines 18 – 21 and in col. 9, lines 28 – 31 the features of claim 87.

Claim 85 has been amended to include recitations from claims 86 and 87, and claims 86 and 87 have been canceled without prejudice.

The amendment to claim 85 is as discussed in the interview. The Examiner indicated in the interview that the proposed amendment appears to overcome the rejection of record.

It is respectfully submitted that Zigmond does not show or suggest the features of amended claim 85. Specifically, it is respectfully pointed out that in Zigmond there is no tag, and there is no distinction between advertisements that can or cannot be delayed based on information (“tag”) that is carried with the advertisements.

In col. 4, lines 21 – 24 Zigmond indicates that “The received advertisements are either stored in an advertisement repository for later display or are made available to the home entertainment system at an appropriate time for immediate display”. As also indicated by the Examiner, in Zigmond the receiver determines whether to actually delay the advertisement or not. However, in amended claim 85 the advertisement itself includes an indication whether it can be delayed or not.

An indication of whether display of an advertisement can be delayed or not as provided by the delay tag of amended claim 85 is fundamentally different from the determination provided by the receiver of Zigmond.

Additionally, in Zigmond there is no distinction between advertisements whose display can or cannot be controlled by a user, and since, as mentioned above, in Zigmond there is no tag, then Zigmond certainly cannot show or suggest a tag indicating whether a user can control display of an advertisement or not.

In col. 8, lines 18 – 21 Zigmond indicates that “... the national broadcaster 20 of Fig. 1 may deliver advertisements to individual households for

local selection and display to viewers according to the invention disclosed herein". As understood from Zigmond, such local selection is made by the household ad insertion device and not by the user.

In col. 9, lines 30 – 31 Zigmond indicates that "In a further example, the user may be presented with multiple ads and asked to select one for viewing". However, Zigmond does not distinguish between advertisements whose display can or cannot be controlled by a user, and Zigmond does not have a tag which indicates whether a user can control display of an advertisement or not.

Amended claim 85 is therefore deemed allowable.

Claim 88 has been amended to take into account the amendments to claim 85.

Claim 88 depends from claim 85 and recites additional patentable subject matter.

Claim 88 is therefore deemed allowable.

Claims 91 and 92 depend directly or indirectly from claim 85 and recite additional patentable subject matter.

Claims 91 and 92 are therefore deemed allowable.

Claim 145 has been amended to include recitations from claims 162 and 163, and claims 162 and 163 have been canceled without prejudice.

The arguments submitted above with respect to the patentability of amended claim 85 also apply to amended claim 145.

Amended claim 145 is therefore deemed allowable.

Claim 164 has been amended to take into account the amendments to claim 145.

Claim 164 depends from claim 145 and recites additional patentable subject matter.

Claim 164 is therefore deemed allowable.

Claims 167 and 168 depend directly or indirectly from claim 145 and recite additional patentable subject matter.

Claims 167 and 168 are therefore deemed allowable.

Claim 169, which is apparatus claim corresponding to claim 145 and

written in a means-plus-function form, has been amended similarly to claim 145.

Amended claim 169 is therefore deemed allowable.

Claims 170 – 174 depend from claim 85 and recite additional patentable subject matter.

Claims 170 – 174 are therefore deemed allowable.

Claim 175 has been amended for clarification and to provide an antecedent basis which is necessitated in view of the amendments to claim 85. The amendment for clarification to claim 175 is supported, inter alia, by Fig. 4.

Claim 175 depends from claim 85 and recites additional patentable subject matter.

Claim 175 is therefore deemed allowable.

Claims 176 – 181 depend directly or indirectly from claim 85 and recite additional patentable subject matter.

Claims 176 – 181 are therefore deemed allowable.

Claims 182 – 186 depend from claim 145 and recite additional patentable subject matter.

Claims 182 – 186 are therefore deemed allowable.

Claim 187 has been amended for clarification and to provide an antecedent basis which is necessitated in view of the amendments to claim 145. The amendment for clarification to claim 187 is supported, inter alia, by Fig. 4.

Claim 187 depends from claim 145 and recites additional patentable subject matter.

Claim 187 is therefore deemed allowable.

Claims 188 – 193 depend directly or indirectly from claim 145 and recite additional patentable subject matter.

Claims 188 – 193 are therefore deemed allowable.

Claims 89 – 90, and 165 – 166 stand rejected under 35 USC 103(a) as being unpatentable over Zigmond in view of US Patent 6,075,551 to Berezowski et al (“Berezowski”).

Berezowski describes a system for supplying globally distributed video promotional information to cable systems.

Claim 89 has been amended to take into account the amendments to claim 85.

Claims 89 and 90 depend directly or indirectly from claim 85 and recite additional patentable subject matter.

Claims 89 and 90 are therefore deemed allowable.

Claim 165 has been amended to take into account the amendments to claim 145.

Claims 165 and 166 depend directly or indirectly from claim 145 and recite additional patentable subject matter.

Claims 165 and 166 are therefore deemed allowable.

New claims 194 – 197 have been added. Claims 194 – 197 are directed to the invention being examined.

New claim 194 is supported, inter alia, by the paragraph bridging pages 29 and 30 of the specification.

New claim 195 is supported, inter alia, by the first full paragraph on page 30 of the specification.

Claims 194 and 195 depend from claim 85 and recite additional patentable subject matter.

Claims 194 and 195 are therefore deemed allowable.

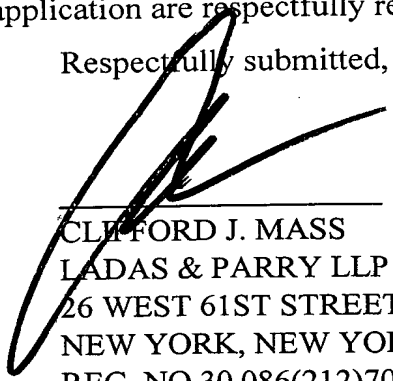
New claims 196 and 197 are supported as claims 194 and 195, respectively.

Claims 196 and 197 depend from claim 145 and recite additional patentable subject matter.

Claims 196 and 197 are therefore deemed allowable.

In view of the forgoing amendments and remarks, it is respectfully submitted that the present application is now in condition for allowance. Favorable reconsideration and allowance of the present application are respectfully requested.

Respectfully submitted,



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